

AMENDED IN SENATE AUGUST 22, 2008

AMENDED IN SENATE AUGUST 18, 2008

AMENDED IN SENATE JULY 1, 2008

AMENDED IN ASSEMBLY MAY 15, 2008

AMENDED IN ASSEMBLY APRIL 22, 2008

AMENDED IN ASSEMBLY APRIL 14, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 3005

Introduced by Assembly Member Jones

February 22, 2008

~~An act to add Section 66005.1 to the Government Code, relating to
An act to amend Section 65460.1 of, and to add, repeal, and add Section
66005.1 of, the Government Code, relating to community development.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 3005, as amended, Jones. Community development: mitigation fees.

The

(1) *The Mitigation Fee Act* authorizes a local agency to charge a variety of fees, dedications, reservations, or other exactions in connection with the approval of a development project, as defined. Existing law provides that when a local agency imposes any fee or exaction as a condition of approval of a proposed development, as defined, or development project, those fees or exactions shall not exceed the estimated reasonable cost of providing the service or facility for which the fee or exaction is imposed.

This bill would require a local agency, when ~~establishing or imposing~~ as a condition of approval of a development project an impact fee for mitigating vehicular traffic impacts ~~of that portion~~ of a housing development that satisfies certain characteristics, to set the fee, or the portion thereof relating to vehicular traffic impacts, at a rate that reflects a lower rate of automobile trip generation. *The bill would, until January 1, 2011, exempt from this requirement a housing development in an area having a capital improvement plan for which traffic mitigation fees are collected. The bill would authorize a local agency to charge an impact fee in proportion to the estimated rate of automobile trip generation associated with a housing development if the housing development does not satisfy the specified characteristics.*

(2) Existing law, the Transit Village Development Planning Act of 1994, defines certain terms for its purpose.

This bill would add a definition to this act for the term “bus transfer station.”

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 65460.1 of the Government Code is
2 amended to read:

3 65460.1. (a) The Legislature hereby finds and declares all of
4 the following:

5 (1) Federal, state, and local governments in California are
6 investing in new and expanded transit systems in areas throughout
7 the state, including Los Angeles County, the San Francisco Bay
8 area, San Diego County, Santa Clara County, and Sacramento
9 County.

10 (2) This public investment in transit is unrivaled in the state’s
11 history and represents well over ten billion dollars
12 (\$10,000,000,000) in planned investment alone.

13 (3) Recent studies of transit ridership in California indicate that
14 persons who live within a quarter-mile radius of transit stations
15 utilize the transit system in far greater numbers than does the
16 general public living elsewhere.

17 (4) The use of transit by persons living near transit stations is
18 particularly important given the decline of transit ridership in
19 California between 1980 and 1990. Transit’s share of commute

trips dropped in all California metropolitan areas—greater Los Angeles: 5.4 percent to 4.8 percent; San Francisco Bay area: 11.9 percent to 10.0 percent; San Diego: 3.7 percent to 3.6 percent; Sacramento: 3.7 percent to 2.5 percent.

(5) Only a few transit stations in California have any concentration of housing proximate to the station.

(6) Interest in clustering housing and commercial development around transit stations, called transit villages, has gained momentum in recent years.

(b) For purposes of this article, the following definitions shall apply:

(1) “Bus hub” means an intersection of three or more bus routes, with a minimum route headway of 10 minutes during peak hours.

(2) “Bus transfer station” means an arrival, departure, or transfer point for the area’s intercity, interregional, or interregional bus service having permanent investment in multiple bus docking facilities, ticketing services, and passenger shelters.

(2)

(3) “District” means a transit village development district as defined in Section 65460.4.

(3)

(4) “Peak hours” means the time between 7 a.m. to 10 a.m., inclusive, and 3 p.m. to 7 p.m., inclusive, Monday through Friday.

(4)

(5) “Transit station” means a rail or light-rail station, ferry terminal, bus hub, or bus transfer station.

SECTION 1.

SEC. 2. Section 66005.1 is added to the Government Code, to read:

66005.1. (a) (1) When a local agency ~~establishes or imposes as a condition of approval of a development project an impact fee pursuant to Section 66001 for the purpose of mitigating vehicular traffic impacts of that portion of a housing development that imposes a fee on a housing development pursuant to Section 66001 for the purpose of mitigating vehicular traffic impacts, if that housing development~~ satisfies all of the following characteristics, the fee, or the portion thereof relating to vehicular traffic impacts, shall be set at a rate that reflects a lower rate of automobile trip generation associated with such housing developments in comparison with housing developments without these

1 characteristics, unless the local agency adopts findings after a
2 public hearing establishing that the housing development, even
3 with these characteristics, would not generate fewer automobile
4 trips than a housing development without those characteristics:

5 ~~(1)~~

6 (A) The housing development is located within one-half mile
7 of a transit station and there is direct access between the housing
8 development and the transit station along a barrier-free walkable
9 pathway not exceeding one-half mile in length.

10 ~~(2)~~

11 (B) Convenience retail uses, including a store that sells food,
12 are located within one-half mile of the housing development.

13 ~~(3)~~

14 (C) The housing development provides either the minimum
15 number of parking spaces required by the local ordinance, or no
16 more than one onsite parking space for zero to two bedroom units,
17 and two onsite parking spaces for three or more bedroom units,
18 whichever is less.

19 *(2) The provisions of paragraph (1) shall not apply to a housing*
20 *development that satisfies the characteristics in subparagraphs*
21 *(A) to (C), inclusive, of paragraph (1) that is located within an*
22 *area covered by a capital improvement plan for traffic facilities*
23 *that was adopted on or before January 1, 2009, and for which fees*
24 *are collected to mitigate the impacts of traffic.*

25 *(b) If a housing development does not satisfy the characteristics*
26 *in subdivision (a), the local agency may charge a fee that is*
27 *proportional to the estimated rate of automobile trip generation*
28 *associated with the housing development.*

29 ~~(b)~~

30 (c) As used in this section, “housing development” means a
31 development project with common ownership and financing
32 consisting of residential use or mixed use where not less than 50
33 percent of the floorspace is for residential use.

34 ~~(e)~~

35 (d) For the purposes of this section, “transit station” has the
36 meaning set forth in paragraph (4) of subdivision (b) of Section
37 65460.1. “Transit station” includes planned transit stations
38 otherwise meeting this definition whose construction is
39 programmed to be completed prior to the scheduled completion
40 and occupancy of the housing development.

1 (e) *This section shall remain in effect only until January 1, 2011,*
2 *and as of that date is repealed, unless a later enacted statute, that*
3 *is enacted before January 1, 2011, deletes or extends that date.*

4 SEC. 3. *Section 66005.1 is added to the Government Code, to*
5 *read:*

6 66005.1. (a) *When a local agency imposes a fee on a housing*
7 *development pursuant to Section 66001 for the purpose of*
8 *mitigating vehicular traffic impacts, if that housing development*
9 *satisfies all of the following characteristics, the fee, or the portion*
10 *thereof relating to vehicular traffic impacts, shall be set at a rate*
11 *that reflects a lower rate of automobile trip generation associated*
12 *with such housing developments in comparison with housing*
13 *developments without these characteristics, unless the local agency*
14 *adopts findings after a public hearing establishing that the housing*
15 *development, even with these characteristics, would not generate*
16 *fewer automobile trips than a housing development without those*
17 *characteristics:*

18 (1) *The housing development is located within one-half mile of*
19 *a transit station and there is direct access between the housing*
20 *development and the transit station along a barrier-free walkable*
21 *pathway not exceeding one-half mile in length.*

22 (2) *Convenience retail uses, including a store that sells food,*
23 *are located within one-half mile of the housing development.*

24 (3) *The housing development provides either the minimum*
25 *number of parking spaces required by the local ordinance, or no*
26 *more than one onsite parking space for zero to two bedroom units,*
27 *and two onsite parking spaces for three or more bedroom units,*
28 *whichever is less.*

29 (b) *If a housing development does not satisfy the characteristics*
30 *in subdivision (a), the local agency may charge a fee that is*
31 *proportional to the estimated rate of automobile trip generation*
32 *associated with the housing development.*

33 (c) *As used in this section, "housing development" means a*
34 *development project with common ownership and financing*
35 *consisting of residential use or mixed use where not less than 50*
36 *percent of the floorspace is for residential use.*

37 (d) *For the purposes of this section, "transit station" has the*
38 *meaning set forth in paragraph (4) of subdivision (b) of Section*
39 *65460.1. "Transit station" includes planned transit stations*
40 *otherwise meeting this definition whose construction is*

- 1 *programmed to be completed prior to the scheduled completion*
- 2 *and occupancy of the housing development.*
- 3 *(e) This section shall become operative on January 1, 2011.*

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